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MAR 17 2003

Steve Volk, Chairman of the Board
DataPlay, Inc.
2560 55th Street
Boulder, CO 80301-5706

MAILED

MAR 17 2003

OFFICE OF THE DIRECTOR
TC 3600

In re application of
Timothy R. Feldman
Application No. 09/940,083 : DECISION ON REQUEST
Filed: August 27, 2001 : FOR WITHDRAWAL OF
For: SECURE ACCESS METHOD : ATTORNEY
AND SYSTEM

This is a decision on the request filed on December 24, 2002, under 37 CFR 1.36 and MPEP 402.06, requesting permission to withdraw as the attorney of record in the above-identified application.

The request is **NOT APPROVED as MOOT.**

Under 37 CFR 1.36 an attorney may withdraw only upon application to and approval by the Commissioner. It should be noted that a withdrawal is effective when approved, not when filed. Besides giving due notice to his or her client and delivering to the client all papers and property to which the client is entitled as specified under 37 CFR 10.40, approval of such a request requires that the following conditions be met:

- A) Each attorney of record must sign the notice of withdrawal, or the notice must contain a clear indication of one attorney signing on behalf of another, because the Office does not recognize law firms;
- B) A proper reason for the withdrawal as enumerated in 37 CFR 10.40(b) or subsection (1)-(6) of 37 CFR 10.40(c) must be provided; and
- C) If withdrawal is requested in accordance with 37 CFR 10.40(c) above, there must be at least 30 days between approval of the withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a).

The request to withdraw as attorney in the above-identified application is not approved as moot because the power of attorney has already been withdrawn as per the Notice to that effect of November 12, 2002.



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SNM/tpl : 3/7/03

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